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RR RUEHROV
DE RUEHTV #0341/01 0371658
ZNR UUUUU ZZH
R 061658Z FEB 09
FM AMEMBASSY TEL AVIV
TO RUEHC/SECSTATE WASHDC 0422
INFO RUEHXK/ARAB ISRAELI COLLECTIVE

UNCLAS SECTION 01 OF 02 TEL AVIV 000341

SIPDIS

E.O. 12958: N/A

TAGS: [PGOV](#) [PINR](#) [KDEM](#) [IS](#)

SUBJECT: THE FINAL POLLS AND A POST-ELECTION TIMELINE

¶11. SUMMARY: The campaign strategists and media are united in their efforts to ignite public interest in the upcoming February 10th elections to Israel's 120-member Knesset. The final polls conducted by Israeli media and published on February 6 are predicting a closer race than they were a week ago, as support for the Yisrael Beiteinu Party (YBP) rises at the expense of the Likud. The real drama may be reserved for the post-election period when, operating according to a legal timeline, President Peres will task a party leader with the formation of a new Israeli government and the work of coalition-building may commence. The leader of the party that wins the most votes is traditionally given the first opportunity to form a government. Despite the narrowing of the race between Likud and Kadima, most Israelis polled anticipate that Likud Chairman Binyamin Netanyahu will be Israel's next prime minister. Kadima organizers are hoping for an upset. End Summary.

THE FINAL POLLS PREDICT CLOSER RACE

¶12. Polls released by Ha'aretz and other media organs on February 6 - last date that polls are allowed before the elections -- predict that Likud will fall short of the thirty seats anticipated in recent months. Analysts believe that YBP has picked up support at Likud's expense rather than at the expense of Kadima. Others attribute the fall to a successful (negative) Kadima ad campaign against Likud Chairman Netanyahu. A Kadima contact told us he believes that these final pre-election polls showing a close race will lead undecided voters to vote for Kadima or Likud rather than YBP or other second or third tier parties. Kadima operatives remain hopeful that those who know and support Netanyahu have already made up their minds, and that a greater percentage of the undecided electorate will vote for Livni on February 10. Viewed through this optic, Kadima organizers are hoping for a high voter turnout, which they believe will help lift Livni to victory. Lower turnout of the undecided -- of either Jewish or Arab voters - will hurt Livni, in their view.

ELECTION DAY & COUNTING...

¶13. On Tuesday February 10th, close to 5.3 million Israelis over the age of 18 will be eligible to vote for one of 34 party lists for the 18th Knesset to be held in polling stations open from 7am to 10pm in major cities and until 8pm in small communities across the country. When the polling stations close a secretary and representatives of three different parties, assigned to each station, will take the ballot results to the regional election committees, where they will be fed into the database of the Central Elections Committee (CEC). That database, which will be accessible by internet, will be updated throughout the night of the 10th of February. By dawn on February 11th, and depending on the closeness of the race, the general trend of the voting may be apparent and exit polling data will be released.

MAKING IT OFFICIAL

¶14. Barring computer failure, allegations of voter fraud or other irregularities, the final returns of polling should be known well in advance of the mandatory deadline for publication of the official

election results. Israeli law provides a full week however, in which the authorities may finalize the count and publish it in the official government gazette, no later than February 18.

ENTER THE PRESIDENT

15. Within seven days of the publication of the official election results, the President of State must, after consultation with party leaders, task one with the formation of a government. Israeli law does not explicitly prohibit consultations between the President and party leaders prior to the official publication of the results and if the election race is as close one between Likud and Kadima, as some pundits and pollsters now forecast, the President may wish to embark on his consultations as early as possible to ensure that the party leader tasked is certain of a Knesset majority (61 members) without which the governing party would not have the confidence of the Knesset. A close election result could affect the criteria for the President's selection of the candidate to form a government, since mere party size might be of less consequence than the ability of the party leader to form the minimum requisite coalition of 61 Knesset members. This consideration aside, there is an as-yet unbroken Israeli tradition that the President will give the leader of the party that wins the most votes the first opportunity to form a government.

THE PRESIDENT IN SEARCH OF A PRIME MINISTER

16. Once the President has completed consultations with all the
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faction leaders of parties that will cross the two-percent threshold required to win a seat in the Knesset, he formally assigns the task of establishing a government to a selected party leader who has 28 days in which to meet this requirement, with a further 14 days extension at the discretion of the President. If the said Knesset Member is unable to form a government within this maximum allocation, or on presenting the government to the Knesset, fails to secure its vote of confidence, the President may again consult with party leaders with a view to re-assigning the task of forming a government.

THE PRIME MINISTER IN SEARCH OF A COALITION

17. The most difficult part of the post-election political process is not the president's search for a willing prime minister but the prime minister's quest for a viable coalition. The two processes are inextricably linked, however, which is why the law makes various modalities available for the purpose of forming a government and lays down a clear timeline which must be met by its leader in regard to the legislature. One key date in the timeline is the date for the convening of the 18th Knesset which is set for the afternoon of Tuesday 24 February. This date which falls only 14 days after the elections, is highly symbolic, but does not obligate either the President or a new prime minister -- in the event that one has been named. If the process of consultations and government formation is still unresolved, the Knesset session will be devoted to the inaugural session of the plenary and the swearing in of all 120 members of Knesset. In the event that the President has succeeded in naming a Prime Minister who has successfully formed a government, the Knesset could be asked for its vote of confidence. A more likely scenario is that the prime minister will require nothing short of the available allocation of time to assemble a viable coalition to be presented to the Knesset at a later date, most likely in late March (assuming the first party leader is able to form a government within 28 days).

CUNNINGHAM